

III. This case is of great long-term significance.

The government claims that *certiorari* is inappropriate because there remains ongoing debate about an appropriate spring rise for the river. This argument is flawed: While the size and even existence of the spring rise remains uncertain, the need for a summer low flow is no longer at issue. *Missouri System Litigation*, Pet. App. 16a.

The summer low flow constitutes half of the natural hydrograph and is fundamental to the proper management of one of the country's greatest and most storied natural resources. According to the unanimous record, the pallid sturgeon and many other now rare Missouri River species rely on a low summer flow. Pet. 28. A low summer flow is also essential for the rational economic management of the River because low summer dam releases conserve water now wasted on almost non-existent summer barges on the Missouri River – water that can then be released at other times to enhance more significant economic uses, such as hydropower and navigation on the Mississippi River. This Court has previously granted *certiorari* to assess the management of the Missouri River because of the River's importance. *ETSI Pipeline Co. v. Missouri*, 484 U.S. 495 (1988). The same considerations warrant *certiorari* here.

CONCLUSION

For the foregoing reasons, this Court should grant *certiorari*.

Respectfully submitted,

TIMOTHY D. SEARCHINGER
MICHAEL BEAN*
ENVIRONMENTAL DEFENSE
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009
(202) 387-3500

* *Counsel of Record*

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